

Appl. No. 09/904,794
Response Dated September 22, 2003
Reply to Office Action of August 26, 2003

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TC 1700

Appl. No. : 09/904,794
Applicant : GERMICK ROBERT J
Filed : July 12, 2001
Title : FOOD PRODUCTS, ESPECIALLY REFRIGERATED
YOGURT PRODUCTS, AND APPARATUS AND
METHODS FOR THEIR PRODUCTION

TC/A.U. : 1761
Examiner : Steven L. Weinstein

Docket No. : 5468USA

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is submitted in response to the Office Action mailed August 26, 2003, requiring restriction of certain claims within the subject application. Specifically, the Examiner has divided the currently pending claims into Group I, claims 1-7 and 10, drawn to a manifold, Group II, claims 11-20, drawn to an apparatus, and Group III, claims 21-29 and 31, drawn to a method of producing a food item.

Applicant hereby provisionally elects, with traverse, to prosecute Group III, claims 21-29 and 31, drawn to a method of producing a food item. However, Applicant reserves the right to later file continuations or divisionals directed to the non-elected invention.

The Restriction Requirement is traversed on the basis that, Group I recites a manifold that could be used in connection with the Group II apparatus, additionally Group I could be used in the method of Group III. Furthermore, Group II could be used in connection with Group I and Group III. Likewise, Group III could be used in connection with Group I and II. Although Group I, II, and III are classified in

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different classes, the Examiner should search and review the patents classified in Group I, as well as the patents classified in Group II and III to insure a complete review of the patentability of the present invention. As all three classes cited by the Examiner will need to be searched for Group I, or Group II, or Group III, no serious burden is placed on the Examiner by examining Group I, II, and III simultaneously. It is respectfully requested that the restriction requirement be removed and Groups I, II, and III proceed to issue. "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions."

MPEP§803

It is submitted that the above response is fully responsive to the Office Action mailed August 26, 2003. No fee is believed to be necessary in connection with this response. Should any fee be required, the Commissioner is authorized to charge our Deposit Account No. 07-0900.

Respectfully submitted,

GENERAL MILLS, INC.

By John A. O'Toole

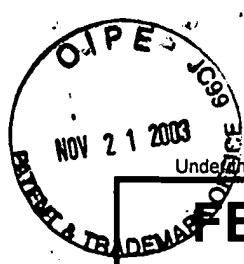
John A. O'Toole

Reg. No. 28,336

Tel.: (763) 764-2422

Fax: (763) 764-2268

john.otoole@genmills.com



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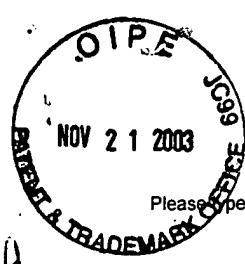
<h1>FEET TRANSMITTAL for FY 2004</h1> <p>Effective 10/01/2003. Patent fees are subject to annual revision.</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>TOTAL AMOUNT OF PAYMENT (\$ 420.00)</p>		<p style="text-align: right;">C mplete if Known</p> <table border="1"> <tr> <td>Application Number</td> <td>09/904,794</td> </tr> <tr> <td>Filing Date</td> <td>July 12, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>GERMICK, ROBERT J.</td> </tr> <tr> <td>Examiner Name</td> <td>Steven L. Weinstein</td> </tr> <tr> <td>Art Unit</td> <td>1761</td> </tr> <tr> <td>Attorney Docket No.</td> <td>5468USA</td> </tr> </table>		Application Number	09/904,794	Filing Date	July 12, 2001	First Named Inventor	GERMICK, ROBERT J.	Examiner Name	Steven L. Weinstein	Art Unit	1761	Attorney Docket No.	5468USA																																																																																																																																																																																								
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<p>SUBMITTED BY</p>		Complete (if applicable)		
Name (Print/Type)	John A. O'Toole	Registration No. (Attorney/Agent)	28,336	Telephone (763) 764-2422
Signature	<i>John A. O'Toole</i>			Date 11/17/03

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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<h2 style="text-align: center;">TRANSMITTAL FORM</h2> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	09/904,794		
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Total Number of Pages in This Submission	4	Attorney Docket Number	5468USA		
ENCLOSURES (check all that apply)					
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Response to Restriction Requirement	
Remarks					

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	John A. O'Toole		
Signature			
Date	November 17, 2003		

CERTIFICATE OF MAILING

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Typed or printed name	Yulandra Y. Washington	Date	11/18/03
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